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EXAMINER

ALI, HATEM M

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/756,090	<b>Applicant(s)</b> GLEDHILL ET AL.	
	<b>Examiner</b> HATEM ALI	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,10,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,10,22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. The following is a **Final action** on merits in response to the communication received on **1/15/2010**.

### *Acknowledgement*

2. **Claim status:**

- ❖ Claims **cancelled** : **4-5, 7-8 and 11-21**
- ❖ **Newly added** claim : **23**
- ❖ **Amended** claims: **1, and 22**
- ❖ **Pending** claims: **1-3, 6, 10, 22 and 23**

### *Claim Rejections - 35 USC § 101*

3. **35 U.S.C. 101** reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-3, 6, 10 and 23** are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re **Bilski** et al, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184

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(1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would **not** qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps fail the first prong of the new Federal Circuit decision since they are not tied to a machine and can be performed without the use of a particular machine. Thus, **claims 1-3, 6, 10 and 23** are non-statutory since they may be performed within the human mind.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. ***Insignificant extra-solution*** activity will not transform an unpatentable principle into a patentable process.

**Note:** the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al [http://iplaw.bna.com/iplw/5000/split\\_display.adp?fedfid=10988734&vname=ippqcases2&wsn=500826000&searchid=6198805&doctypeid=1&type=court&mode=doc&split=0&scm=5000&pg=0](http://iplaw.bna.com/iplw/5000/split_display.adp?fedfid=10988734&vname=ippqcases2&wsn=500826000&searchid=6198805&doctypeid=1&type=court&mode=doc&split=0&scm=5000&pg=0)

### ***Claim Rejections - 35 USC § 112***

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4. The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claim 22** is rejected under 35 U.S.C. § 112, **second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, **claim 22** recites in the preamble “a host system for calculating cost basis of an asset”, the body of the claim does not contain any limitations indicating the structure of the device. A system or an apparatus claim should always claim the structure or the hardware that performs the function. Applicant’s claimed limitations consist of data feeds [spec. Page 7] ... as a brokerage system ... storing information related to assets (software according to the specification) that do not describe the structure of the device. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**7. Claims 1-3, 6, 10, 22 and 23** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Horan** et al (2003/0225663) in view of **DeWolf** et al (2002/0032626) , **Bergmann** et al (2002/0143682), **Koppelman** et al (6,662,164) and **official Notice**.

**As per claim 1, Horan** discloses a method of calculating cost basis of financial asset (**para 0100**, lines 11-13) comprising:

automatically calculating, by the computer, (**para 0101-0102**) an adjusted cost basis of the asset based upon the reallocation code, the reallocation reasons, the asset type and the tax treatment categorization (**para 0077 and 0099-0100**; via workflow system **208** and accounting and management system **806** respectively);

storing, by the computer the tax treatment categorization and the adjusted cost basis in a management system to enable tax-related calculations based upon the tax treatment categorization (**Fig. 7, Data warehouse 312**).

acquiring, by the computer, cost basis data and tax lot data from the plurality of product systems to enable automated reconciliation of cost basis data and the adjusted cost basis; identifying by the computer at least a portion of the tax lot data that was affected by the reallocation (**para 0099**, lines 1-3; via record system **806** .. tax-lot accounting ...tax withholding and reclaim processing);

reconciling, by the computer, the cost basis data and the adjusted cost basis of the asset to the plurality of product systems (**para 010**, lines 1-12; via open reconciliation system **828** ... the workflow system **810** to resolve the variance); and

preparing a report, by the computer, relating to the adjusted cost basis of the asset based on at least one of: the reallocation code, the tax treatment categorization

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and the adjusted cost basis of the asset (**para 0102**, lines 1-12; via an automated workflow system **810** ... a management reporting system **838**)

**Horan** did not explicitly disclose the step of acquiring, by a computer, and from a product system a reallocation data associated with a reallocation of an ownership of the asset, and wherein the asset is a financial asset, and wherein the product system is one of a plurality of product systems from which reallocation data is acquired, and wherein the reallocation data comprises a reallocation code, a reallocation reasons, an asset type and a reallocation value, and wherein the reallocation value comprises information relating to the value of the change in ownership of the asset, and wherein the reallocation reason code comprises codified information relating to the reason for the change in ownership of the asset, and wherein the reallocation of the ownership of the asset by the product is triggered by at least one of: **a marriage**, an inheritance, a gift, a partial spin-off, a stock split with owner option, a partial sale of the asset, and a change to an accounting method for the sale of the asset.

However, **DeWolf** discloses the step of acquiring, by a computer, and from a product system a reallocation data associated with a reallocation of an ownership of the asset, wherein the asset is a financial asset, and wherein the product system is one of a plurality of product systems from which reallocation data is acquired, and wherein the reallocation data comprises a reallocation code, a reallocation reasons, an asset type and a reallocation value, and wherein the reallocation value comprises information relating to the value of the change in ownership of the asset, and wherein the reallocation reason code comprises codified information relating to the reason for the

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change in ownership of the asset, and the reallocation of the ownership of the asset by the product is triggered by at least one of: **a marriage**, an inheritance, a gift, a partial spin-off, a stock split with owner option, a partial sale of the asset, and a change to an accounting method for the sale of the asset (**Abstract** - life cycle of the asset and categorizing the information into multiple attribute and **para 0090**, line 5; via ownership disputed [changed] as **in divorce** [implied marriage] and **para 0035** , line 5-8; via the producer **110** [Ford] creates the asset such as **SUV**- a financial asset).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure and features mentioned by **Horan** and to include the disclosure of **DeWolf** to facilitate the legal system to adjust and reallocate the ownership of an asset disputed by divorce implied marriage.

**Horan** did not explicitly disclose the step of re-categorising, by the computer, the **reallocation** code into one of a plurality of tax treatment categories to establish a tax treatment categorization of the reallocation, wherein the reallocation was previously categorized by the product system into one of a plurality of categories.

However, **Bergmann** being in the same field of invention discloses the step of re-categorising, by the computer, the **reallocation** code into one of a plurality of tax treatment categories to establish a tax treatment categorization of the reallocation, wherein the reallocation was previously categorized by the product system into one of a plurality of categories(**para 0045**, line 27; via asset classes, creating accounts and Boxes **8A**, **8B**, **8C** and **9** categorize assets based on ownership and related tax treatment after change of ownership for tax treatment and to calculate after-tax returns)



Therefore, it was obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure of **Horan** and to include the feature of **Bergman** to facilitate adjusting the constraint limits on asset classes.

**Horan** did not explicitly disclose the tax treatment categorization is based upon the reallocation code, the reallocation reasons, and the asset type and is associated with a tax treatment of the reallocation.

However, it is well known in the art at the time of invention was made that the tax treatment categorization is based upon the reallocation code, the reallocation reasons and the asset type and is associated with a tax treatment of the reallocation. For example, when any asset's ownership is changed to a new owner, **tax treatment** of the said asset will be according to new owner as per Internal Revenue Services [**IRS, US Gov.**].

Therefore, tax treatment of an asset related to change of ownership (or categorization) is well known in the art.

**Horan** did not explicitly disclose reallocation code and value.

However, **Koppelman** discloses reallocation code and value (**Abstract** and **claims** 1, 14 and 21-23; via the code for obtaining one or more allocation-for processing an allocation rule that is based on one or more properties of a business[implied value and ownership]).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention to modify the disclosures mentioned by **Horan** to include the features as

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taught by **Koppelman** to facilitate to determine the commissions to pay out to a set of recipients based on one or more transactions.

**As per claim 2, Horan** discloses the method of codifying, by the computer, the tax treatment categorization of the Reallocation of the ownership of the asset prior to automatically calculating the cost basis change of the asset (**para 009-100**; via the accounting and record system **806** through a multi-tier client/server technology inherently codifies the system).

**As per claim 3, Horan** discloses the method of claim 2, wherein the product system is an account (**Fig.9**; via Open Platform-Products and account system).

**Claims 4-5** (cancelled).

**As per claim 6, Horan** discloses the method of claim 3 further comprising:

providing a portfolio having a plurality of assets distributed in one or a plurality of product systems (**para 0050** and **0052**; via reallocate a portfolio).

**Claims 7-9** (cancelled).

**As per claim 10, Horan** discloses the method further comprising utilizing the tax lot data to more accurately determines cost basis change relating to the reallocation of the asset (**para 0100**; via tax lot basis).

**Claims 11-21** (cancelled)

**As per claim 22, Horan** discloses a host system for calculating cost basis of an asset, the host system configured to:

automatically calculate an adjusted cost basis of the asset based upon the reallocation code, the reallocation reasons, the asset type, and the tax treatment

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categorization (**para 0077** and **0099-0100**; via workflow system **208** and accounting and management system **806** respectively);

store the tax treatment categorization and the adjusted cost basis in a portfolio management system to enable tax-related calculations based upon the tax treatment categorization(**Fig. 7**, Data warehouse **312**);

acquire cost basis data and tax lot data from the plurality of product systems to enable automated reconciliation of the cost basis data and the adjusted cost basis; identify at least a portion of the tax lot data that was affected by the reallocation (**para 0099**, lines 1-3; via record system **806** .. tax-lot accounting ...tax withholding and reclaim processing);

reconcile, based upon the tax treatment categorization, the cost basis data and the adjusted cost basis of the asset to the plurality of product systems (**para 010**, lines 1-12; via open reconciliation system **828** ... the workflow system **810** to resolve the variance); and,

prepare a report relating to the adjusted cost basis of the asset based on at least one of: the reallocation code, the tax treatment categorization and the adjusted cost basis of the asset (**para 0102**, lines 1-12; via an automated workflow system **810** ... a management reporting system **838**).

**Horan** did not explicitly disclose to acquire, from a product system, a reallocation data associated with a reallocation of an ownership of the asset, wherein the asset is a financial asset, and wherein the product system is one of a plurality of product systems from which reallocation data is acquired, and wherein the reallocation data comprises a

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reallocation code, reallocation reasons, an asset type and a reallocation value, and wherein the reallocation value comprises information relating to the value of the change in ownership of the asset, and wherein the reallocation reason code comprises codified information relating to the reason for the change in ownership of the asset, and wherein the reallocation of the ownership of the asset by the product system is triggered by at least one of: a marriage, an inheritance, a gift, a partial spin-off, a stock split with owner option, a partial sale of the asset, and a change to an accounting method for the sale of the asset;

However, **DeWolf** being in the same field of invention discloses to acquire, from a product system, a reallocation data associated with a reallocation of an Ownership of the asset, wherein the asset is a financial asset, and wherein the product system is one of a plurality of product systems from which reallocation data is acquired, and wherein the reallocation data comprises a reallocation code, reallocation reasons, an asset type and a reallocation value, and wherein the reallocation value comprises information relating to the value of the change in ownership of the asset, and wherein the reallocation reason code comprises codified information relating to the reason for the change in ownership of the asset, and wherein the reallocation of the ownership of the asset by the product system is triggered by at least one of: a marriage, an inheritance, a gift, a partial spin-off, a stock split with owner option, a partial sale of the asset, and a change to an accounting method for the sale of the asset (**Abstract** - life cycle of the asset and categorizing the information into multiple attribute and **para 0090**, line 5; via

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ownership disputed [changed] as **in divorce** [implied marriage and **para 0035** , line 5-8; via the producer **110** [Ford] creates the asset such as **SUV**- a financial asset).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure and features mentioned by **Horan** and to include the disclosure of **DeWolf** to facilitate the legal system to adjust and reallocate the ownership of an asset disputed by divorce implied marriage.

**Horan** did not explicitly disclose to re-categorize the reallocation code into one of a plurality of tax treatment categories to establish a tax treatment categorization of the reallocation, wherein the reallocation was previously categorized, by the product system, into one of a plurality of categories, and wherein the tax treatment categorization is based upon the reallocation code, the reallocation reasons, and the asset type and is associated with a tax treatment of the reallocation;

However, **Bergmann** being in the same field of invention discloses to re-categorize the reallocation code into one of a plurality of tax treatment categories to establish a tax treatment categorization of the reallocation, wherein the reallocation was previously categorized, by the product system, into one of a plurality of categories, and wherein the tax treatment categorization is based upon the reallocation code, the reallocation reasons, and the asset type and is associated with a tax treatment of the reallocation (**para 0045**, line 27; via asset classes, creating accounts and Boxes **8A**, **8B**, **8C** and **9** categorize assets related to tax treatment after change of ownership and to calculate after-tax returns)

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure of **Horan** and to include the feature of **Bergman** to facilitate adjusting the constraint limits on asset classes.

**Horan** did not explicitly disclose the tax treatment categorization is based upon the ownership reallocation code, the reallocation reasons and the asset type and is associated with a tax treatment of the reallocation.

However, it is well known in the art at the time of invention was made that the tax treatment categorization is based upon the ownership reallocation code, the reallocation reasons and the asset type and is associated with a tax treatment of the reallocation. For example, when any asset's ownership is changed to a new owner, **tax treatment** of the said asset will be according to new owner as per Internal Revenue Services [IRS, US Gov.].

Therefore, tax treatment of an asset related to ownership change (or categorization) is well known in the art.

**Horan** did not explicitly disclose reallocation code and reallocation value.

However, **Koppelman** discloses reallocation code and reallocation value (**Abstract** and **claims** 1, 14 and 21-23; via the code for obtaining one or more allocation-for processing an allocation rule that is based on one or more properties of a business[implied value and ownership]).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention to modify the disclosures mentioned by **Horan** to include the features as

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taught by **Koppelman** to facilitate to determine the commissions to pay out to a set of recipients based on one or more transactions.

**As per claim 23 (new), Horan** discloses a method of calculating cost basis of an asset comprising:

automatically calculate an adjusted cost basis of the asset based upon the reallocation code, the reallocation reasons, the asset type, and the tax treatment categorization (**para 0077** and **0099-0100**; via workflow system **208** and accounting and management system **806** respectively);

storing the tax treatment categorization and the adjusted cost basis in a portfolio management system to enable tax-related calculations based upon the tax treatment categorization (**Fig. 7, Data warehouse 312**);

automatically acquiring cost basis data and tax lot data from the plurality of product systems to enable automated reconciliation of the cost basis data and the adjusted cost basis; automatically identifying at least a portion of the tax lot data that was affected by the reallocation (**para 0099**, lines 1-3; via record system **806** .. tax-lot accounting ...tax withholding and reclaim processing);

automatically reconciling, based upon the tax treatment categorization, the cost basis data and the adjusted cost basis of the asset to the plurality of product systems (**para 010**, lines 1-12; via open reconciliation system **828** ... the workflow system **810** to resolve the variance); and,

producing a report relating to the adjusted cost basis of the asset based on at least one of: the reallocation code, the tax treatment categorization and the adjusted

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cost basis of the asset (**para 0102**, lines 1-12; via an automated workflow system **810** ... a management reporting system **838**).

**Horan** did not explicitly disclose to acquire, from a product system, a reallocation data associated with a reallocation of an ownership of the asset, and wherein the asset is a financial asset, and wherein the product system is one of a plurality of product systems from which reallocation data is acquired, and wherein the reallocation data comprises a reallocation code, reallocation reasons, an asset type and a reallocation value, and wherein the reallocation value comprises information relating to the value of the change in ownership of the asset, and wherein the reallocation reason code comprises codified information relating to the reason for the change in ownership of the asset, and wherein the reallocation of the ownership of the asset by the product system is triggered by at least one of: a marriage, an inheritance, a gift, a partial spin-off, a stock split with owner option, a partial sale of the asset, and a change to an accounting method for the sale of the asset;

However, **DeWolf** being in the same field of invention discloses to acquire, from a product system, a reallocation data associated with a reallocation of an Ownership of the asset, wherein the asset is a financial asset, and wherein the product system is one of a plurality of product systems from which reallocation data is acquired, and wherein the reallocation data comprises a reallocation code, reallocation reasons, an asset type and a reallocation value, and wherein the reallocation value comprises information relating to the value of the change in ownership of the asset, and wherein the reallocation reason code comprises codified information relating to the reason for the



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change in ownership of the asset, and wherein the reallocation of the ownership of the asset by the product system is triggered by at least one of: a marriage, an inheritance, a gift, a partial spin-off, a stock split with owner option, a partial sale of the asset, and a change to an accounting method for the sale of the asset (**Abstract** - life cycle of the asset and categorizing the information into multiple attribute and **para 0090**, line 5; via ownership disputed [changed] as **in divorce** [implied marriage and **para 0035**, line 5-8; via the producer **110** [Ford] creates the asset such as **SUV**- a financial asset).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure and features mentioned by **Horan** and to include the disclosure of **DeWolf** to facilitate the legal system to adjust and reallocate the ownership of an asset disputed by divorce implied marriage.

**Horan** did not explicitly disclose to re-categorize the reallocation code into one of a plurality of tax treatment categories to establish a tax treatment categorization of the reallocation, wherein the reallocation was previously categorized, by the product system, into one of a plurality of categories, and wherein the tax treatment categorization is based upon the reallocation code, the reallocation reasons, and the asset type and is associated with a tax treatment of the reallocation;

However, **Bergmann** being in the same field of invention discloses to re-categorize the reallocation code into one of a plurality of tax treatment categories to establish a tax treatment categorization of the reallocation, wherein the reallocation was previously categorized, by the product system, into one of a plurality of categories, and wherein the tax treatment categorization is based upon the reallocation code, the

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reallocation reasons, and the asset type and is associated with a tax treatment of the reallocation (**para 0045**, line 27; via asset classes, creating accounts and Boxes **8A**, **8B**, **8C** and **9** categorize assets related to tax treatment after change of ownership and to calculate after-tax returns)

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure of **Horan** and to include the feature of **Bergman** to facilitate adjusting the constraint limits on asset classes.

**Horan** did not explicitly disclose the tax treatment categorization is based upon the ownership reallocation code, the reallocation reasons and the asset type and is associated with a tax treatment of the reallocation.

However, it is well known in the art at the time of invention was made that the tax treatment categorization is based upon the ownership reallocation code, the reallocation reasons and the asset type and is associated with a tax treatment of the reallocation. For example, when any asset's ownership is changed to a new owner, **tax treatment** of the said asset will be according to new owner as per Internal Revenue Services [**IRS, US Gov.**].

Therefore, tax treatment of an asset related to ownership change (or categorization) is well known in the art.

**Horan** did not explicitly disclose reallocation code and reallocation value.

However, **Koppelman** discloses reallocation code and reallocation value (**Abstract** and **claims** 1, 14 and 21-23; via the code for obtaining one or more

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allocation-for processing an allocation rule that is based on one or more properties of a business[implied value and ownership]).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention to modify the disclosures mentioned by *Horan* to include the features as taught by *Koppelman* to facilitate to determine the commissions to pay out to a set of recipients based on one or more transactions.

### ***Response to Arguments***

8. **Applicant's** arguments filed **1/15/2010** have been fully considered but they are not all persuasive.

In the Remarks, Applicant argues in substance that:

(a) Related to rejection under 112, first paragraph [remark page 10], claim amendments are made to clarify the patentable aspect of the claims.

(b) Related to Interview [remark page 7-9] The Examiner's Supervisor requested that Applicants clarify certain "**Bilski**" (i.e., 35 U.S.C. § **101**) issues. During the interview, time did not permit a thorough examination of the specification. However, Applicants now submit that support for the elements recited in independent **claims 1** and **22** can be found in the specification, for example, on **page 3** (emphasis added).

In response to (a):

The **Examiner** reconsidered the rejection in light of amendments, and rejection under 112, first paragraph has been withdrawn.

In response to (b):

The **Examiner** respectfully disagrees with Applicant's assertion. The specification page 3 [even page 9] does not have enough support for Bilski issues [also not with computer]. Therefore, per interview discussion, rejections under U.S.C. 101 and 112, second paragraph are added.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HATEM ALI whose telephone number is (571)270-3021 and Fax (571) 270-4021 [For Cc to Examiner]. The examiner can normally be reached on 8.00 to 6.30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HATEM ALI  
Examiner  
Art Unit 3691

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691